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ACTIVISION | BLIZZARD, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ACTIVISION | BLIZZARD, INC., a Delaware Corporation.

Case No. 3:16-cv-03375-RS

Plaintiff.

**JOINT STIPULATION AND [PROPOSED]  
ORDER TO CONSOLIDATE BRIEFING  
AND HEARING FOR ACCELERATION  
BAY LLC'S MOTION TO DISMISS OR  
TRANSFER PLAINTIFFS' COMPLAINTS**

V.

ACCELERATION BAY LLC, a Delaware  
Limited Liability Corporation.

Defendant.

Date: September 1, 2016  
Time: 1:30 pm  
Courtroom: 3, 17<sup>th</sup> Floor  
Before: Honorable Richard Seeborg

1 Pursuant to Civil Local Rule 6-2, Plaintiffs Take-Two Interactive Software, Inc. (“Take  
2 Two”), Rockstar Games, Inc. (“Rockstar”), 2K Sports, Inc. (“2K”), Activision Blizzard, Inc.  
3 (“Activision”), and Electronics Art, Inc. (“EA”) (collectively, “Plaintiffs”) and Defendant  
4 Acceleration Bay LLC (“Defendant”), by and through their respective counsel, do hereby stipulate  
5 and agree to the following:

6 **WHEREAS**, Plaintiffs filed Complaints against Defendant in Civil Action Nos. 3:16-cv-  
7 03375-RS, 3:16-cv-03377-RS, and 3:16-cv-03378-RS on June 16, 2016 (the “Actions”);

8 **WHEREAS**, the parties filed a Joint Administrative Motion to Consider Whether Cases  
9 Should be related on July 1, 2016;

10 **WHEREAS**, the Court granted the parties’ Motion to Relate Cases Civil Action Nos. 3:16-  
11 cv-03375-RS, 3:16-cv-03377-RS, and 3:16-cv-03378-RS on July 5, 2016;

12 **WHEREAS**, Defendant recently filed a Motion to Dismiss or Transfer Take-Two Interactive  
13 Software, et al.’s Complaint (“Motion”) on July 11, 2016 and filed Motions to Dismiss or Transfer  
14 in related Civil Action Nos. 3:16-cv-03375-RS and 3:16-cv-03378-RS on July 15, 2016;

15 **WHEREAS**, on July 13, 2016, counsel for the parties met and conferred pursuant to Fed. R.  
16 Civ. P. 16 and this Court’s Local Rules;

17 **WHEREAS**, the parties agree to streamline the briefing associated with the Motion and to  
18 have a single Opposition brief and a single Reply brief filed in all three actions in light of the fact  
19 that Defendant’s Motions seek the same relief and having separate deadlines in the three actions will  
20 result in unnecessary duplicate filings.

21 **WHEREAS**, the parties further agree to modify the deadline for the Opposition brief in all  
22 three actions to be due by July 29, 2016.

23 **WHEREAS**, the parties further agree to modify the deadline for the Reply brief in all three  
24 actions to be due by August 8, 2016.

25 **WHEREAS**, the requested modification to the Motion’s briefing schedule will have no  
26 effect on the schedule for this case, and the proposed hearing date of September 1, 2016 for the  
27 Motion remains the same as requested in Plaintiff’s Motion.

28 **IT IS HEREBY STIPULATED AND AGREED** by the parties that Plaintiffs will file a

1 single Opposition brief to the Motion in all three actions by July 29, 2016, Defendant will file a  
2 single Reply brief in support of the Motion in all three actions by August 8, 2016, and the proposed  
3 hearing date for the Motion remains on September 1, 2016, or such other date thereafter that is  
4 convenient for the Court.

5 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

6  
7 Dated: July 19, 2016

WINSTON & STRAWN LLP

8  
9 By /s/ David P. Enzminger  
10 David P. Enzminger  
11 James C. Lin  
12 Michael A. Tomasulo  
13 Gino Cheng  
14 David K. Lin  
15 Dan K. Webb  
16 Kathleen B. Barry

17 Attorneys for Plaintiff  
18 ACTIVISION | BLIZZARD, INC.

19  
20 Dated: July 19, 2016

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Attorneys for Defendant  
ACCELERATION BAY LLC

## ATTESTATION

I, David P. Enzminger, am the ECF user whose ID and password are being used to file this JOINT STIPULATION AND [PROPOSED] ORDER TO CONSOLIDATE BRIEFING AND HEARING FOR ACCELERATION BAY LLC'S MOTION TO DISMISS OR TRANSFER PLAINTIFFS' COMPLAINTS. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Defendant's counsel, Lisa Kobialka, has concurred in this filing.

By: /s/ David P. Enzminger  
David P. Enzminger

**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated: 7/20/16

JUDGE HON. RICHARD SEEBOORG